

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JAMES W. BAILEY, IV,

Plaintiff,

V.

HOUSTON COUNTY JAIL, et al.,

Defendants.

CIVIL ACTION NO. 1:05-CV-688-MEF  
[WO]

## RECOMMENDATION OF THE MAGISTRATE JUDGE

This case is before the court on a 42 U.S.C. § 1983 complaint filed by James W. Bailey, IV, ["Bailey"], a state inmate, challenging actions which occurred during his confinement in the Houston County Jail. At the time he filed this complaint, Bailey did not pay the \$250.00 filing fee nor did he submit an affidavit in support of a motion for leave to proceed *in forma pauperis*. Thus, the court did not have the information necessary to determine whether Bailey should be allowed to proceed *in forma pauperis* in this case and therefore entered an order requiring that Bailey provide the court with such information. *See Order of August 1, 2005 - Court Doc. No. 2* at 1-2. This order specifically cautioned Bailey that his failure to comply with the order would result in a recommendation that this case be dismissed. *Id.* at 2. Bailey has filed nothing in response to the aforementioned order. The court therefore concludes that this case is due to be dismissed.

## CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for Bailey's failure to comply with the orders of this court. It is further

ORDERED that on or before April 5, 2006 the parties may file objections to the

Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982); *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*) (adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981).

Done this 23rd day of March, 2006.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE